

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Carlton J. Edwards, individually and
on behalf of all other similarly situated
individuals,

Case No. 0:10-cv-02826-MJD-JJK

Plaintiff,

v.

ORDER

Multiband Corporation,

Defendant.

The above-entitled matter came before this Court on Parties' Joint Motion for Approval of FLSA Settlement and Dismissal of Claims. (Doc. No. 175.) Based upon the joint memorandum of law, exhibits, and all the files, records and proceedings, herein, the Court finds the settlement reached between the Parties resolves a *bona fide* dispute over overtime wages, was reached in good faith and in all respects, fair, just, reasonable and adequate.

ACCORDINGLY, IT IS HEREBY ORDERED AND ADJUDGED:

1. Pursuant to the procedures for a collective action under the Fair Labor Standards Act and as otherwise required, this Court hereby approves the settlement set forth in the Parties' joint motion for approval of settlement and the Stipulation of Settlement and Release ("Stipulation of Settlement"). The Parties are hereby directed to perform pursuant to the terms of the Stipulation of Settlement.

2. This document shall constitute the Judgment for purposes of Federal Rule of Civil Procedure 58. This Court has jurisdiction over subject matter and the Parties and

retains continuing jurisdiction over (a) implementation of this settlement and any award or distribution of the settlement payments; and (b) construction, enforcement and administration of the Stipulation of Settlement.

3. The claim of the one (1) Plaintiff, Max Buchanan is **HEREBY DISMISSED FROM THIS ACTION WITHOUT PREJUDICE**. Mr. Buchanan timely rejected his individual settlement offer. Mr. Buchanan shall have thirty (30) days from the date of this Order in which to file a subsequent claim if he so chooses. Under the terms of the Stipulation of Settlement, Mr. Buchanan will receive consent-based tolling should he re-file his claim within the thirty (30) day timeframe.

4. The claims of the thirty-eight (38) Plaintiffs (attached hereto as Exhibit 1) are **HEREBY DISMISSED WITHOUT PREJUDICE**. These 38 Plaintiffs neither timely returned a Release of Claims Form or rejected their settlement offers, and are therefore considered “Non-Responders” under the terms of the Stipulation of Settlement.

3. The claims of the remaining 397 Plaintiffs (attached hereto as Exhibit 2) who timely accepted their individual settlement offers are **HEREBY DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY

Dated: March 23, 2012

BY THE COURT:

s/ Michael J. Davis
Chief Judge Michael J. Davis
United States District Court